

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DECOTIIS, FITZPATRICK & COLE, LLP

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Teaneck, New Jersey 07666
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Attorneys for Plaintiff Texas Eastern Transmission, LP

<p>TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of Delaware</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>0.077 Acres Of Land, More or Less, In The City of Jersey City, Hudson County, New Jersey; COLES JERSEY DEVELOPMENT CO., LLC; OGDEN REALTY CO.; JANE AND JOHN DOES 1 through 50 (fictitious name defendants); and ABC BUSINESS ENTITIES 1 through 50 (fictitious name defendants),</p> <p style="text-align: right;">Defendants.</p>	<p>Civil Action No. 14-167-SRC-CLW</p> <p>SUPPLEMENTAL CERTIFICATION OF FRANKLIN S. GESSNER</p>
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I, Franklin S. Gessner, depose and state as follows:

1. I work for Spectra Energy Corp as the Right-of-Way Manager for the New Jersey-New York Expansion Project (the "NJ-NY Project" or "Project") which modified and extended pipeline facilities in New Jersey, New York City and Connecticut owned by Texas Eastern Transmission, LP ("Texas Eastern") and Algonquin Gas Transmission, LLC ("Algonquin") which are wholly-owned subsidiaries of Spectra Energy Partners, LP. As the Right-of-Way Project Manager, my responsibilities include supervision of the Right-of-Way

Land Agents (“Land Agents”) for the acquisition of easements on various properties along the route of the NJ-NY Project.

2. The Certificate of Public Convenience and Necessity (“Certificate”) in Docket No. CP11-56-000 issued by the Federal Energy Regulatory Commission (“FERC”) to Texas Eastern and Algonquin for the construction of the NJ-NY Project does not identify a list of properties necessary for the implementation of the Project. Rather, the Project “alignment” or “route” is delineated by Texas Eastern’s “Tract” identification on “Alignment Sheets”. The alignment is measured in “stations”. The Tracts are specific to separate properties along the alignment. The alignment sheet that includes Block 6005, Lots 7 and 13 is identified as “LD-A-1077”. Alignment Sheet 1077 includes Tract HUD-98.2 and HUD-98.3. Texas Eastern used municipal tax maps and tax assessment records to identify the owners of each Tract. A recent search of the Jersey City tax assessment records shows that Coles Jersey Development Co., LLC is the owner of Block 6005, Lot 13 while NJ Transit is the owner of Block 6005, Lot 7, with copies attached as **Exhibit A**.

3. On June 7, 2012, Texas Eastern filed an Implementation Plan for the NJ-NY Project which, among other things provides information to FERC satisfying the pre-construction conditions, and supplemented by additional filings on June 15, 2012 and June 26, 2012. The Implementation Plan is, among other things, a detailed construction execution plan. The Implementation Plan includes final traffic management plans, dust control plans, environmental compliance plan, excavation management plan, final construction drawings, and other submissions in satisfaction of all pre-construction conditions outlined in Appendix B to the FERC Certificate. Texas Eastern was issued a Notice to Proceed for Tract HUD-98.2 and HUD-

98.3 in Alignment Sheet 1077 on June 29, 2012. A true copy of the June 29, 2012 Notice to Proceed is attached hereto as **Exhibit B**.

4. Unequivocally, the pipeline was constructed in accordance with the FERC approved alignment of the permanent right-of-way depicted on LD-A-1077 on Tract HUD-98.2 (Block 6005, Lot 7) and Tract HUD-98.3 (Block 6005, Lot 13).

5. On or about November 19, 2013, I met with counsel for Coles Jersey Development Co., LLC and Ogden Realty Co. in an attempt to resolve this matter amicably. During the meeting counsel for Coles Jersey Development Co., LLC asked if the pipeline was constructed within the FERC-approved alignment. I responded, unequivocally, that the pipeline was constructed within the FERC-approved alignment. I explained that during pipeline installation in the vicinity of Tract HUD-98.2 (Block 6005, Lot 7) and Tract HUD-98.3 (Block 6005, Lot 13) a field change was required to locate the pipeline away from existing utilities causing a slight shift in the pipeline alignment compared to what is depicted on the original alignment sheet but within the FERC alignment corridor. I agreed to provide all parties with a copy of Alignment Sheet 1077 depicting the “as-built” pipeline location in the FERC-approved alignment. This sheet was provided to counsel on or about November 21, 2013. As depicted on Alignment Sheet 1077, the pipeline was installed within the FERC-approved alignment. A true copy of Alignment Sheet 1077 with the “as-built” pipeline is attached hereto as **Exhibit C**.

6. Upon completion of the pipeline installation in March 2013, post construction fieldwork, surveying and a review of title documents by Texas Eastern agents identified a possible discrepancy between the property line of Block 6005, Lot 7 and Block 6005, Lot 13 depicted in the official municipal tax map and title documents. Texas Eastern agents opined that a portion of Block 6005, Lot 7, including a portion of Tract HUD-98.2, may be owned in fee by the adjacent owner of Block 6005, Lot 13, Ogden Realty Co., and not by New Jersey Transit

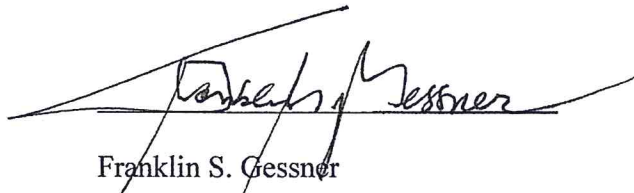
Corporation as indicated on the official Tax Maps of Jersey City. It is not uncommon for there to be some discrepancy over property boundaries within the alignment of a pipeline project. Rather than conclusively determine which party is the true owner of a parcel in dispute, Texas Eastern will seek easements from both parties claiming title. Here, rather than have NJ Transit confirm the property boundary between Block 6005, Lot 7 and Lot 13, Texas Eastern seeks an easement on the 0.077 acre portion of Lot 7 from Coles Jersey Development Co., LLC to the extent they have a color of title.

7. The parties discussed compensation for the Tract HUD-98.2 (Block 6005, Lot 7) and Tract HUD-98.3 (Block 6005, Lot 13) easements during the November 19, 2013 meeting with Coles Jersey Development Co., LLC and Ogden Realty Co. The amount of \$1,134,900.00 was paid to Ogden Realty Co. under the terms of the settlement in the Consent Order representing a portion of the settlement proceeds allocated for the easements acquired on Block 6005, Lot 13. The amount of \$255,000.00 was identified as the compensation for the easement acquired on 0.077 acre portion of Tract HUD-98.2 (Block 6005, Lot 7). Upon information and belief, the \$255,000.00 compensation was an amount allocated between principals for Ogden Realty and Hoboken Brownstone Company. The \$255,000.00 compensation for the 0.077 acre easement on a portion of Tract HUD-98.2 (Block 6005, Lot 7) offered in the pending condemnation represents Texas Eastern's good faith commitment to abide by the previously agreed upon settlement with Ogden Realty Co. and Hoboken Brownstone Company.

8. Prior to filing the instant condemnation action, counsel for Coles Jersey countered the \$255,000.00 offer of compensation for the 0.077 acre easement on Tract HUD-98.2 (Block 6005, Lot 7) with a demand of \$2,500,000.00, which was rejected by Texas Eastern.

9. The "as-built" pipeline location in the FERC-approved alignment included in Alignment Sheet 1077 (Exhibit B hereto) is depicted in a survey prepared by SGS Engineering, LLC, dated February 28, 2014, a true copy of which is attached hereto as **Exhibit D**.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Franklin S. Gessner

Dated: February 20, 2014

TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of
Delaware,

Plaintiff,

v.

0.077 Acres Of Land, More or Less, In The City Of Jersey City, Hudson County,
New Jersey; COLES JERSEY DEVELOPMENT CO., LLC; OGDEN REALTY
CO.; JANE AND JOHN DOES 1 through 50 (fictitious name defendants); and
ABC BUSINESS ENTITIES 1 through 50 (fictitious name defendants),

Defendants.

Exhibit A

To Supplemental Gessner Certification

New Search

Assessment Postcard

Block: 6005	Prop Loc: 865 JERSEY AVE.	Owner: NEW JERSEY TRANSIT	Square Ft: 0
Lot: 7	District: 0906 JERSEY CITY	Street: ONE PENN PLAZA EAST	Year Built:
Qual:	Class: 15C	City State: NEWARK, N.J. 07105	Style:

Additional Information

Prior Block: 332	Acct Num: 00520684	Addl Lots:	EPL Code: 2 7 95
Prior Lot: 2	Mtg Acct:	Land Desc: 1.61 ACRES 1.61	Statute: 27:25-16
Prior Qual:	Bank Code: 0	Bldg Desc: VACANT LAND	Initial: 000000 Further: 000000
Updated: 02/04/12	Tax Codes:	Class4Cd: 0	Desc: VACANT LAND
Zone: I-2	Map Page: 60	Acreage: 1.61	Taxes: 0.00 / 0.00

Sale Date: 00/00/00	Book:	Page:	Price:	0	NU#: 0			
Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee	

TAX-LIST-HISTORY

Year	Owner Information	Land/Imp/Tot	Exemption	Assessed	Property Class
2014	NEW JERSEY TRANSIT	563500	0	563500	15C
	ONE PENN PLAZA EAST	0			
	NEWARK, N.J. 07105	563500			
2013	NEW JERSEY TRANSIT	563500	0	563500	15C
	ONE PENN PLAZA EAST	0			
	NEWARK, N.J. 07105	563500			
2012	NEW JERSEY TRANSIT	563500	0	563500	15C
	ONE PENN PLAZA EAST	0			
	NEWARK, N.J. 07105	563500			
2011	NEW JERSEY TRANSIT	563500	0	563500	15C
	ONE PENN PLAZA EAST	0			
	NEWARK, N.J. 07105	563500			

Block: 6005	Prop Loc: 305 COLES ST.	Owner: COLES JERSEY DEVELOPMENT CO., LLC	Square Ft: 0
Lot: 13	District: 0906 JERSEY CITY	Street: 161 14TH STREET	Year Built: 0001
Qual:	Class: 1	City State: HOBPKEN, NJ 07030	Style:
Additional Information			
Prior Block: 367	Acct Num: 00040758	Addl Lots:	EPL Code: 0 0 0
Prior Lot: A.2	Mtg Acct:	Land Desc: 81275 SQ.FT.	Statute:
Prior Qual:	Bank Code: 32767	Bldg Desc: VACANT LAND	Initial: 000000 Further: 000000
Updated: 08/02/13	Tax Codes:	Class4Cd: 0	Desc:
Zone: I-2	Map Page: 60	Acreage: 1.8658	Taxes: 21502.08 / 0.00

Sale Date: 07/02/13	Book: 8922	Page: 716	Price: 0	NU#: 0				
Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee	

TAX-LIST-HISTORY

Year	Owner Information	Land/Imp/Tot	Exemption	Assessed	Property Class
2014	COLES JERSEY DEVELOPMENT CO., LLC	288000	0	288000	1
	161 14TH STREET	0			
	HOBPKEN, NJ 07030	288000			
2013	OGDEN REALTY CORP. C/O WALSH TRUCK	288000	0	288000	1
	2820 SIXTEENTH ST.	0			
	NORTH BERGEN, NJ 07087	288000			
2012	OGDEN REALTY CORP. C/O WALSH TRUCK	288000	0	288000	1
	2820 SIXTEENTH ST.	0			
	NORTH BERGEN, NJ 07087	288000			
2011	OGDEN REALTY CORP. C/O WALSH TRUCK	288000	0	288000	1
	2820 SIXTEENTH ST.	0			
	NORTH BERGEN, NJ 07087	288000			

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Defendants.

Exhibit B

To Supplemental Gessner Certification

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer to:
OEP/DG2E/Gas 3
Texas Eastern Transmission, LP
Algonquin Gas Transmission, LLC
Docket No. CP11-56-000

June 29, 2012

Mr. Berk Donaldson
Director, Rates and Certificates
Spectra Energy Corporation
P.O. Box 1642
Houston, TX 77251-1642

RE: Partial Notice to Proceed

Dear Mr. Donaldson:

I grant approval of the June 26, 2012 request by Texas Eastern Transmission, LP (Texas Eastern) and Algonquin Gas Transmission, LLC (Algonquin) to commence construction in the specific areas listed in table 1, as part of the New Jersey - New York Expansion Project. In considering this notice to proceed, I have determined that Texas Eastern and Algonquin's Implementation Plan (filed on June 7, 2012) and supplemental filings included the information necessary to meet the pre-construction conditions of the Commission's May 21, 2012 Order Issuing Certificate (Order) in the above-referenced docket and the request to commence construction in the specified locations is in compliance with environmental condition 5 of the Order. We have confirmed receipt of all federal authorizations relevant to the approved activities herein.

I also grant your June 22, 2012 request to commence the data recovery program for the Old Neck Place Site.

You are reminded that you must implement the Archaeological Monitoring Plan for the Big Inch and Little Big Inch Pipelines and the Construction Protection Plans for the Gansevoort Market Historic District and the Holbrook Manufacturing Company Building.

Table 1

NJ-NY Expansion Project – Initial Notice to Proceed

Areas	Location	Alignment Sheet No.	Station No.	
			Start	End
Pipeline Removal and Abandonments				
	Linden, New Jersey	LD-R-1001 to LD-R-1012	4482+44	98+61
Pipeline				
	Linden, New Jersey	LD-A-1001 to LD-A-1006A	0+00	72+73
	Linden, New Jersey	LD-A-1008	95+50	99+50
	Linden, New Jersey	LD-A-1011 and LD-A-1012	141+00	159+50
	Borough of Staten Island, NY	LD-A-1020.1 (Texas Eastern Property)	254+32	257+91
	Bayonne, New Jersey	LD-A-1031	376+00	392+77
	Bayonne, New Jersey	LD-A-1038 to LD-A-1041	455+16	494+55
	Bayonne, New Jersey	LD-A-1041 to LD-A-1053	503+00	633+71
	Jersey City, New Jersey	LD-A-1061 and LD-A-1062	722+25	751+50
	Jersey City, New Jersey	LD-A-1064 and LD-A-1065	781+00	792+00
	Borough of Manhattan, New York	LD-A-1085	1052+07	1058+53
Horizontal Directional Drills				
	Kill Van Kull (east Side on Chevron Property including all workspace on Chevron Property)	LD-A-1031 to LD-A-1032	376+00	392+77
	East 1st Street HDD (corresponding HDD workspace covered above under Pipeline)	LD-A-1031A to LD-A-1038	389+75	455+16
	Bayonne Inlet (corresponding HDD workspace covered above under Pipeline)	LD-A-1048 to LD-A-1050A	575+45	592+00
	Mercedes Street HDD and corresponding workspace	LD-A-1071 to LD-A-1075	865+80	920+35
	18th Street/Long Slip HDD	LD-A-1077 to LD-A-1081	942+82	992+06
	Hudson River HDD (corresponding HDD workspace covered above under Pipeline)	LD-A-1081 to LD-A-1085	992+06	1052+07
Pipe and Contractor Ware Yards				
Yard 2	Linden, New Jersey	LD-A-1003	27+00	--
Yard 3	Linden, New Jersey	LD-A-1006A	M&R 187	--
Yard 20	Jersey City, New Jersey	Off alignment sheet	--	--
Access Roads				
PAR-1	Linden, New Jersey	LD-A-1007	87+00	--
TAR-20	Linden, New Jersey	LD-R-1008	21+82	--
TAR-21	Linden, New Jersey	LD-R-1008 and LD-R-1009A	27+24	--
PAR-4	Linden, New Jersey	LD-A-1010 and LD-A-1011	129+44	--
TAR-22	Linden, New Jersey	LD-R-1009B	55+40	--
TAR-23	Linden, New Jersey	LD-R-1009B	59+00	--
TAR-24	Linden, New Jersey	LD-R-1009B	59+30	--
TAR-25	Linden, New Jersey	LD-R-1010	65+52	--
TAR-26	Linden, New Jersey	LD-R-1010	66+78	--
TAR-3	Linden, New Jersey	LD-A-1013	170+00	--
TAR-4	Borough of Staten Island, NY	LD-A-1015	193+00	--
TAR-5	Borough of Staten Island, NY	LD-A-1015	193+00	--
TAR-27	Bayonne, New Jersey	LD-A-1064	782+00	--
PAR-5	Bayonne, New Jersey	LD-A-1042	513+00	--
TAR-10	Bayonne, New Jersey	LD-A-1053	633+50	--
TAR-17	Jersey City, New Jersey	LD-A-1075	914+00	--
TAR-13	Jersey City, New Jersey	LD-A-1079	970+00	--
TAR-18	Jersey City, New Jersey	LD-A-1080	HDD pullback	--

Table 1 NJ-NY Expansion Project – Initial Notice to Proceed				
Areas	Location	Alignment Sheet No.	Station No.	
			Start	End
Aboveground Facilities				
Algonquin Hanover Compressor Station	Hanover, New Jersey	130-A-0020, Rcv1	NA	NA
Texas Eastern Hanover Compressor Station (including Hanover M&R Stations)	Morristown, New Jersey	DWG, H1-G-1002	NA	NA

This approval **excludes** the use of all workspace associated with the IMTT Bayonne M&R Station near milepost 9.75 because this facility was excluded from the Commission's Order. I remind you that Texas Eastern and Algonquin must comply with all applicable terms and conditions of the Order and procedures stipulated in your previous filings. Please note that this approval **does not allow construction or use of any facilities or areas other than those specified in the table 1**. Commencement of construction of the remainder of the New Jersey - New York Expansion Project is subject to further review and compliance with all applicable remaining terms and conditions of the Order. If you have any questions, please contact me at (202) 502-6296.

Sincerely,



Kara J. Harris
Environmental Project Manager

cc: Public File, Docket No. CP11-56-000

Daniel Saunders, Deputy SHPO
NJ Department of Environmental Protection
501 East State St., Mail Code 501-04B
Trenton, NJ 08625-0420

Ruth Pierpont, Deputy SHPO
Field Services Bureau
Peebles Island Resource Center
10 Delaware Ave.
Cohoes, NY 12047

Amanda Sutphin, Director of Archaeology
NYC Landmarks Preservation Commission
Municipal Building, One Centre St., 9th Floor
New York, NY 10007

TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of
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CO.; JANE AND JOHN DOES 1 through 50 (fictitious name defendants); and
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Defendants.

Exhibit C

To Supplemental Gessner Certification

TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of
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0.077 Acres Of Land, More or Less, In The City Of Jersey City, Hudson County,
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Exhibit D

To Gessner Supplemental Certification

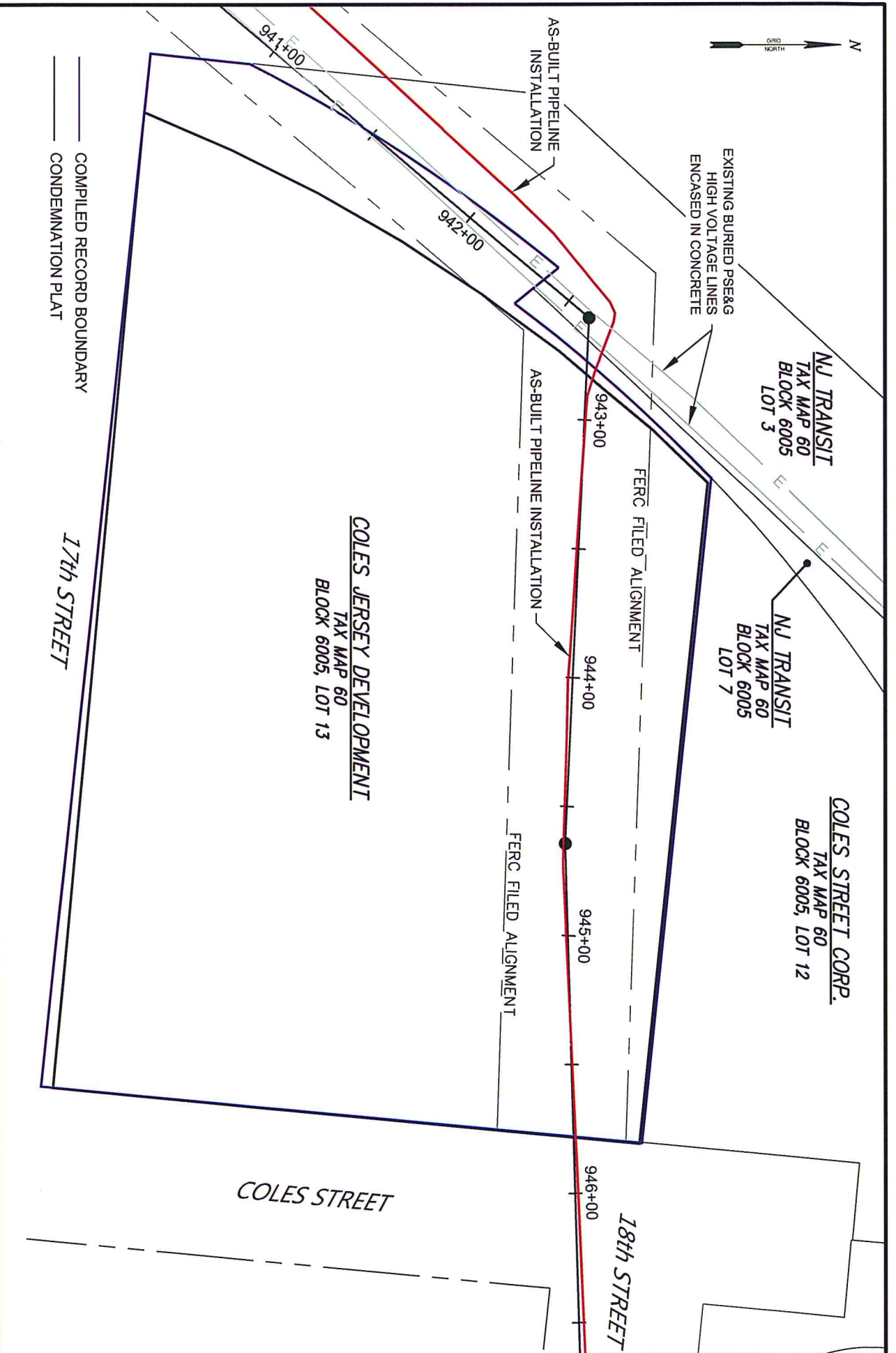


EXHIBIT OF PROPERTY DETERMINATIONS
COLES JERSEY DEVELOPMENT (HUD-98.3)
JERSEY CITY, NEW JERSEY

PREPARED FOR
SPECTRA ENERGY
150 WARREN STREET, SUITE 201,
JERSEY CITY, NEW JERSEY 07302



SGC ENGINEERING, LLC
• Civil Design & Survey Engineering
• Environmental & Regulatory Permitting
• Electrical Power Systems Engineering

SERVING OUR CLIENTS IN THE U.S.A. & CANADA

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Fax: 201-341-9101

201 Oakwood Road
Toronto, Ontario M6H 2P2
Tel: 416-593-1417
Fax: 416-593-6011

DATE: 02-18-14

SCALE: 1" = 50'

DRAWN: MMW FILE: 801002

